

**REMARKS**

In the Office Action, claims 1-20 were rejected as being anticipated by U.S. Patent Publication No. 2002/0198044 to Walker et al. ("Walker"). For the reasons set forth below, applicants respectfully submit that the claims as amended herein are fully distinguished from *Walker*.

As amended herein, claim 1 recites a method which is described, *inter alia*, at paragraphs [0023] through [0028] of the specification. In accordance with such method, a plurality of events are selected by a user for each of which an outcome is determined at least partly by chance and is as yet not known to the user. Then, before actually determining outcomes of the events, the outcomes of the plurality of events are *simulated*.

Predicted results are automatically indicated to the user. The predicted results include a (i) first result of simulating the outcome of a first one of the events, as well as (ii) a second result of simulating the outcome of a second event accumulated with the first result. Another predicted result is also indicated to the user, including (iii) for each of the plurality of events from a third ( $i=3$ ) event to an  $n$ th ( $i=n$ ) event, an  $i$ th result of simulating the outcome of an  $i$ th event accumulated with the  $(i-1)$ th result (wherein the  $(i-1)$ th result simulates the outcome of an  $(i-1)$ th event accumulated with an  $(i-2)$ th result). In an example described in the specification, a graph shows the position of a player with respect to a casino in terms of money wagered and money lost or gained for every attempt at success, "in the predicted results of future play on the slot machine." (paragraph [0023]).

As further recited in claim 1, from among the predicted first through nth results, the user can then select a particular predicted result and have an account credited with a first amount according to the user-selected result. In an example described in the specification, a player at a casino can select a point in simulated future game play at which the player is ahead of the casino by 30%. The player can choose to have the "winnings" of the simulated game player credited to an account held by the casino for the player. (paragraph [0025]).

As further described at paragraph [0026] of the specification, the player can then utilize the "winnings" (the casino's money in the account set up for the player) to play additional games, an example of the step recited in claim 1 (e) permitting the user to utilize the first amount for actually determining outcomes of at least some of the events". However, in the example further described in paragraph [0026], the player does not yet have full control over the amount credited to the account. Step (f) of claim 1 recites that the outcomes of a minimum number of the events must have been actually determined before the user is permitted to utilize an amount remaining from the account for a purpose other than for actually determining outcomes of the events.

By contrast, *Walker* merely describes a method in which a player can place secondary wagers or side bets. For example, the player can bet that ten or more "CHERRY" reel symbols will appear in the next five minutes of play on a slot machine. (paragraphs [0108]-[0109]). While the gaming device in *Walker* can "provide an indication of the probability of a secondary wager to the player" (paragraph [0213]) it does not do so

in a manner described in claim 1 of indicating a first result, a second result accumulated with a first result, and an ith result accumulated with an (i-1)th result as recited in claim 1, and allow the user to pick one of the predicted results, such as a predicted result where the user (e.g., player) is ahead (of, e.g., a casino) by 30%. Moreover, the actions recited in steps (c), (d), (e) and (f) of claim 1 are not performed.

Claims 21 and 23 contain recitations similar to those of claim 1 and are believed to be patentable for at least the same reasons as discussed above with respect to claim 1.

Claim 6 recites a variation of such embodiment in which the user can be permitted to use the first amount for actually determining outcomes of the events. However, in such case a probability that a predetermined outcome will occur per each individual event can be decreased until the outcomes of at least a minimum number of the events have been actually determined. An example of such variation is described in paragraph [0026] in which a player's chance of winning is temporarily decreased, and in paragraph [0028] which describes "decreasing the chance of winning on each individual game attempt." *Walker* does not describe a gaming device which decreases a probability that a predetermined outcome will occur per each individual event until outcomes of a minimum number of events have been actually determined. The Office Action (paragraph 11) merely refers to naturally decreasing odds of obtaining a particular result for a series of accumulated events. No operation on the part of the device or method in *Walker* causes a probability of a particular outcome per each individual event to decrease.

Serial No. 10/711,316  
Edward E. Kelley et al.

Claims 15 and 20 contain recitations similar to those of claim 6 and are believed to be patentable for at least the same reasons as that which distinguishes claim 6.

Claims 2-3, 7-12 and 15-16 are contain additional recitations which are believed to provide independent bases for distinguishing the invention recited therein from *Walker*.

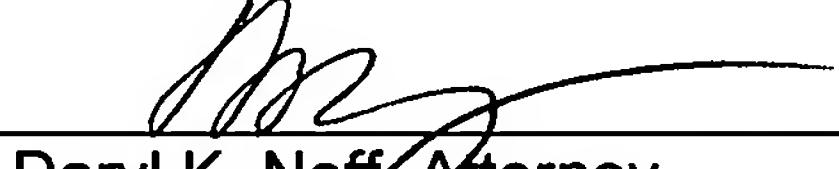
Support for the present amendments is provided, *inter alia*, at paragraphs [0023] through [0028].

In view of the present amendments and remarks, it is believed that the application is now in condition for allowance. If, for any reason, the examiner does not believe that such action can be taken at this time, it is requested that he telephone the undersigned at the number indicated below to discuss any issues that remain.

It is believed that no fees are required upon filing this Amendment. However, if any fees are required, authorization is given to debit the Deposit Account No. 09-0458 of the Assignee International Business Machines Corporation. If there is an overpayment, please credit the same account.

Respectfully submitted,  
**Edward E. Kelley et al.**

By:

  
Daryl K. Neff, Attorney  
Registration No. 38,253  
Telephone: (973) 316-2612